

REMARKS

Claims 1-32 stand rejected under 35 U.S.C. § 102(e) over U.S Patent Application Publication No. 2005/0031106 ("Henderson"). Applicants are adding claims 33-53. Applicants submit that the new claims do not add new matter to the present Application

Claims 1-32 stand rejected under 35 U.S.C. § 102(e) over Henderson. Applicants are concurrently submitting the a Declaration Under 37 C.F.R. §1.131 executed by the inventors. Applicants respectfully request withdrawal of the rejection of claims 1-32.

Applicants respectfully submit that claims 33-53 are allowable over Henderson. Newly added claim 33 includes "determining not to play the first custom ring information to the called party." Support for the quoted language can be found in paragraphs 22 and 27, in original claims 15 to 17, and potentially at other locations within the above-identified patent application, as originally filed. Referring to Henderson at paragraph 36, instead of the receiving user choosing the calling user's identifying information, the calling user may override both the network's 250 identification database and the receiver's identification database 235 and display an identifier of his or her own choosing. Unlike Henderson, a system or a portion thereof or a user can determine that the first custom ring information is not to be played to the called party, and thus, the calling party can be effectively prevented from overriding the system or input from a user with respect to the first custom ring information. Applicants respectfully submit that claim 33 is allowable over Henderson. Newly added claims 34-42 depend directly or indirectly from claim 33, and thus, claims 34-42 are allowable for at least the same reasons as claim 33.

Newly added claim 43 includes ring tone information that includes an advertisement. Support for the language can be found in paragraph 13 and potentially at one or more other locations within the above-identified patent application, as originally filed. Referring to Henderson at paragraph 36, the system in Henderson may permit the calling user to specify his or her identifier. In one arrangement, instead of specifying a new name, the user may specify a video identifier. Unlike Henderson, the ring tone information representing the select ring tone and includes an advertisement, not just an identifier. Applicants respectfully submit that claim 43 is allowable over Henderson. Newly added claims 44-47 depend directly or indirectly from claim 43, and thus, claims 44-47 are allowable for at least the same reasons as claim 43.

Newly added claim 48 includes "determine not to play the calling party selected ringtone." Support for the quoted language can be found in paragraphs 22 and 27, in original claims 15 to 17, and potentially at one or more other locations within the above-identified patent application, as originally filed. Referring to Henderson at paragraph 36, instead of the receiving user choosing the calling user's identifying information, the calling user may override both the network's 250 identification database and the receiver's identification database 235 and display an identifier of his or her own choosing. Unlike Henderson, a system or a portion thereof or a user can determine that the calling party selected ringtone is not to be played to the called party, and thus, the calling party can be effectively prevented from overriding the system or input from a user with respect to the calling party selected ringtone. Applicants respectfully submit that claim 48 is allowable over Henderson. Newly added claims 49-53 depend directly or indirectly from claim 48, and thus, claims 49-53 are allowable for at least the same reasons as claim 48.

CONCLUSION

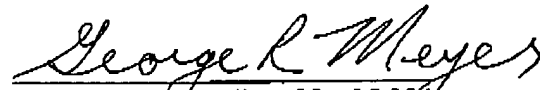
Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 102(e), as well as an indication of the allowability of each of the claims now pending.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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